

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**MATTHEW ZETTLE,**  
**Plaintiff,**

**v.**

**FAKHOURI, ET. AL.,**  
**Defendants.**

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**No. 19 CR 3057**  
**Hon. Judge Guzman**

**THE PARTIES' JOINT AND AGREED SUBMISSION OF A PROPOSED  
DISCOVERY PLAN FOR PURPOSES OF THE SEPTEMBER 4, 2019 INITIAL  
STATUS HEARING BEFORE JUDGE GUZMAN**

Plaintiff, by and through his undersigned counsel, *and by agreement and on behalf of all parties*, pursuant to this Court's Standing Order on initial status conferences, respectfully jointly submits the following proposed joint and agreed proposed discovery plan for this matter in anticipation of the parties' September 4, 2019 appearance before this Court for an initial status conference:<sup>1</sup>

**Status of Settlement Negotiations**

To-date, the parties have engaged in extensive settlement negotiations, including in-person. These negotiations have included, but have not been limited to, the production of documents by the Defendants, including financial records bearing upon the issue of ability to

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<sup>1</sup> The parties apologize to this Court for failing to appear before Judge Guzman on August 21, 2019. The parties mistakenly and wrongly believed that this matter would not be heard for the initial status before Judge Guzman until the settlement conference referral had been completed. That was error and counsel for each side accepts complete responsibility for their failure to appear before Judge Guzman on August 21, 2019. That will not happen in this matter again.

pay; the exchange of detailed settlement position letters; a settlement conference before Magistrate Fuentes; and phone calls and e-mails regarding settlement. Accordingly, the parties have met and otherwise extensively discussed the nature and basis of their claims and defenses, and the possibilities of a prompt resolution of the case – and continue to do so. The settlement conference held by Magistrate Fuentes on August 15, 2019 did not result in a settlement at that time. However, in light of the fact that those negotiations are on-going, Magistrate Fuentes has set a status hearing before him on August 29, 2019.

### **Discovery Plan**

It should be noted that Defendants do *not* contest liability. Accordingly, fact discovery will not be as extensive as it would have been had Defendants not taken that position in this action.

However, the remaining question of damages is still dependent upon fact discovery related to treaters, as well as possible expert testimony with respect to the issue of damages.

The parties have engaged in a meet and confer discuss for the arrangement of the disclosures required by Rule 26(a)(1) and to develop a proposed discovery plan, which is detailed below:

### **The parties jointly propose the following deadlines for the completion of discovery:**

- 1) Rule 26(a)(1) disclosures to be provided by all parties on or before September 30, 2019;
- 2) The completion of all fact discovery by all parties shall be on or before June 4, 2020;
- 3) Plaintiff to disclose and provided reports for any expert(s) on or before August 4, 2020;

- 4) Defendants to disclose and provided reports for any expert(s) on or before September 4, 2020.

**RESPECTFULLY SUBMITTED,**

By: s/Michael I. Leonard  
Attorney for Mr. Zettle

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**CERTIFICATE OF SERVICE**

The undersigned states that, on August 21, 2019, he caused the above to be served on counsel of record by way of ECF filing.

**RESPECTFULLY SUBMITTED,**

By: s/Michael I. Leonard  
Counsel for Plaintiff